

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT
219 South Dearborn Street
Chicago, Illinois 60604

March 15, 2021

Chief Judge Diane S. Sykes

Nos. 07-21-90009

IN RE COMPLAINT AGAINST A JUDGE:

MEMORANDUM

Complainant filed a misconduct complaint against the judge who presided in his criminal case and ruled on his postconviction motions for relief under Rule 60(b) and 28 U.S.C. § 2255. He challenges the judge's rulings before and during trial, at sentencing, and during postconviction proceedings under Rule 60(b) and § 2255. He alleges that the judge was biased, engaged in ex parte communication with the prosecutor, and should have recused himself.

As a threshold matter, the complainant raised the same trial- and sentencing-related allegations in a prior misconduct complaint, which was rejected as merits-related. *See* No. 07-16-90025 (dismissing the complaint because the claims related to "the merits of a decision or procedural ruling"). The same result is warranted with respect to the complainant's new challenges to the judge's rulings on his Rule 60(b) motion, his § 2255 petition, and the failure to recuse. I repeat what the complainant already knows: merits-related allegations are not a proper subject of a misconduct complaint. *See* 28 U.S.C. § 352(b)(1)(A)(ii). The appellate process is the proper method of redressing perceived errors by the trial judge, as the complainant is well aware from his many appeals in this court. *See* Nos. 12-1020, 12-3724, 15-2358, 18-3016, 18-3158, 18-3247, 18-3272, 20-2093, 20-2744, 20-2787.

The complaint is dismissed pursuant to 28 U.S.C. § 352(b)(1)(A)(ii).